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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/961,136	09/20/2001	Jeffrey J. Battin	1720/001	4693

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EXAMINER

LE, KHANH H

ART UNIT PAPER NUMBER

3622

DATE MAILED: 10/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/961,136

**Applicant(s)**

BATTIN ET AL.

**Examiner**

Khanh H. Le

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-108 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-108 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/20/2001; 3/31/2003</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. This Office Action is responsive to the original application.

***Claim Rejections - 35 USC § 112***

2. **Claims 75-76 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

3. Claims 75-76: It seems they should depend on apparatus claim 61 rather than method claim 31. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

5. **Claims 1-108 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leason et al., US 2004/0133472 A1, in view of Goldhaber, US 5794210.**

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Leason discloses code processing for promotional games and the like. Ticket holders who have purchased tickets are encouraged to access a designated Internet site by rewarding access thereat on the condition that information visibly supported on the ticket from a given drawing is input at an Internet site and a test indicates that the information so-input matches numbers that were picked for that drawing. Tickets include lottery tickets and tickets for movies or the like. Access to predetermined Internet-based services or sites can also be had as an award to an individual for inputting an iconic code at a machine connected to the Internet if the input code tests as valid, with the code being marked so as to be usable only once.

Thus, as to claims 1, 17, 48, 59, 79-80, LEASON discloses:

A method comprising:

issuing a plurality of event access documents ([0009]; [0110], [0120]-[0124] );

said event access documents providing access to an event, each of said event access documents having a unique value provided thereon (see at least paragraphs [0009]; [0110], [0120]-[0124]; Figs. 2,3, 5, 9, 10 and associated text);

providing notice to a plurality of attendees attending said event that the unique value provided on one or more of said event access documents may be used to collect a prize (paragraphs [0009]; [0120]-[0124]);

providing one or more servers (see at least Fig. 3, item 308 and associated text) coupled to an electronic network adapted to collect information over said electronic network from one or more information submitting attendees, said information comprising the unique value provided on the event access document used by the information submitting attendee;

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storing at least a part of the collected information on said one or more servers (see at least Fig. 3 item 300: database and associated text);

informing each of the information submitting attendees over said electronic network of whether the unique value provided on the event access document used by the information submitting attendee entitles that information submitting attendee to collect a prize ([0010], [0011]; [0045], [0048]; [0054]; [0154]);

hosting a website (see at least Figs. 4 and 6 and associated text; on said one or more servers and instructing said attendees to visit said specified website to determine prize eligibility, said website facilitating the collection of said information from said information submitting attendees (see at least Figs. 4, 5 and associated text; [0047]; [0048]).

**Leason** discloses a method for encouraging a ticket holder who has purchased a ticket to access a designated Internet site and to register thereon, but **does not disclose** asking for contact information, a grant or denial of permission to contact.

**However**, in the same marketing field, **Goldhaber discloses** that obtaining contact information and permission to contact from visiting internet users is valuable to advertisers and can be an opportunity to make some money for consumers (abstract, col. 6 line 62 to col.7 line 7).

It would have been obvious to one skilled in the art at the time the invention was made to add asking for contact information, a grant or denial of permission to contact to Leason to achieve the above purpose and advantage taught by Goldhaber.

**As to claims 31, 61, they parallel claims 1, 79, in apparatus format and are rejected on the same basis.**

**As to claims 2-4, 18-20, 49-51, 81-83, LEASON** does not disclose contact information comprising an electronic mail address, telephone number, or a street address and permission to contact by those means however Goldhaber does (col. 12 line 46 to col.12 line 40). It would have been obvious to one skilled in the art at the time the invention was made to add asking for these types of contact information, to Leason to effect the above-discussed purpose and advantage taught by Golhaber.

**As to claims 41-44, 69-71, they parallel claims 2-4, 18-20 in apparatus format and are rejected on the same basis.**

**As to claims 5, 22, 52, 84, Leason** discloses wherein the unique value provided on each of said event access documents may be used to collect a prize (see citations in independent claims above), said informing step further comprising informing each of the information submitting attendees of a prize ([0107]: credit to consumer account is notification) corresponding to the unique value provided on the event access document used by the information submitting attendee.

**As to claims 6, 23, 34, 54, 85, 98, LEASON** further discloses wherein the prizes corresponding to each of the unique values fall into two or more categories ([0047]: different rewards can be free access to different internet sites; [0038]-[0039]; [0011])

**Claims 39, 67 are parallel claims 6, 85 in apparatus format and are rejected on the same basis).**

**As to claims 7-8, 24-25,55-56, 86-87, 106-107, LEASON** further discloses

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providing said one or more servers with data evaluation software, said data evaluation software being adapted to evaluate the information collected from each of said information submitting attendees against variable criteria and send an error message over said electronic network to any said information submitting attendee from which information not meeting said variable criteria was collected ( see [0052]; step 550 of Fig. 5 is interpreted as an error message) .

wherein said data evaluation software is being further adapted to evaluate the information collected from each of said information submitting attendees and send a duplicate information message over said electronic network to any said information submitting attendee from which duplicate information was collected ([0054]; the system's giving the player a second chance to reenter non-void code is interpreted as a duplicate message).

**As to claims 45-46, 72-73, they parallel claims 7-8, 24-25, 55-56, 86-87, 106-107 in apparatus format and are rejected on the same basis.**

**As to claims 9-10, 14-16, 26-27, 53, 58, 88-89, 93-95, 96-97, 99-100, Leason further discloses**

said informing step further comprising providing data for creating a prize web page said prize web page being adapted to display the prize corresponding to the unique number provided on the event access document used by the information submitting attendee (inherent per [0045] to [0048] to inform the customer of the reward);

and including redemption data indicating how the displayed prize can be redeemed. said redemption data including a hyperlink to a redemption web page through which the displayed prize can be redeemed ( [0045] to [0048]: *several pages are displayed to complete redemption of a selected reward by the customer, hyperlinks are inherent from page to page*; see also Fig. 23 and associated text, [0128]).

**As to claims 32-36, 62-64 they parallel claims 9-10, 26-27, 88-89, in apparatus format and are rejected on the same basis.**

**As to claims 11, 47, 57, 60, 74, 90, 108, LEASON further discloses**  
providing said one or more servers with a relational database management system (see at least Fig. 3 item 300 and associated text; [0049] to [0051]).

**As to claims 12, 21, 91, LEASON further discloses**  
said collecting step further comprising providing data for creating a registration web page to each of said information submitting attendees, said registration web page being adapted to facilitate the input of said information by the information submitting attendee (see at least Figs. 4, 6 and associated text).

**As to claims 13, 92, LEASON further discloses**  
92. 91, said registration web page comprising one or more text boxes and a submit button (see at least Figs. 4, 6 and associated text).

**As to claims 75-78, LEASON does not disclose but Goldhaber discloses systems and**  
methods for matching specified ads to groups of consumers whose profiles match the targeted ads (col. 14 lines 17-56; Fig. 8 and associated text).

This is interpreted as reading on “one or more servers further comprising means for generating one or more dynamic reports based upon at least a portion of said at least a part of said collected information stored in said database in response to a request from an authorized party and wherein said one or more servers is adapted to receive said request from and transmit said one or more dynamic reports to said authorized party (advertisers) over said electronic network”.

It would have been obvious to one skilled in the art at the time the invention was made to add these methods and systems to LEASON to effect the ads targeting method and system taught by Goldhaber.

**As to claims 101-105**, LEASON discloses the ticket winner is apprised of whether she won a prize via a webpage but does not disclose the ticket winner is apprised of whether she won a prize via email. However, Official Notice is taken that such notification method is commonly known before invention time. Thus it would be obvious to replace notification via webpage as taught by Leason with notification by email, as an alternate analogous means of communication. The other additional limitations in claims 102-105 are disclosed in Leason as discussed above.

**As to claims 37-40, 65-68, they parallel claims 101-104 in apparatus format and are rejected on the same basis.**

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Leason US 6251017 B1 discloses a Game or lottery with a reward validated and/or redeemed online.

Sullivan et al., US 5563105, discloses game or lottery with reward validated and/or redeemed online.

Lingham, US 6356876, discloses system for providing prize award results.

Petreca, US 6409593, discloses drawings for winners over internet.

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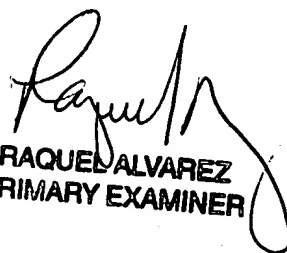
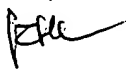
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh H. Le whose telephone number is 571-272-6721. The Examiner works a part-time schedule and can normally be reached on Tuesday-Wednesday 9:00-6:00.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Eric Stamber can be reached on 571-272-6724. The fax phone numbers for the organization where this application or proceeding is assigned are **571-273-8300** for regular communications and for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-3600. For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

September 25, 2006

KHL



**RAQUEL ALVAREZ**  
**PRIMARY EXAMINER**